

## II. RESPONSE TO OFFICE ACTION

The Office Action rejected Claims 2, 5, 9 and 13-23 and objected to claims 10-12. Reconsideration of the claims in light of the above amendments and the following remarks is respectfully requested. The Examiner's comments from the Office Action are reprinted below in 10-point bold type and are followed by Assignee's remarks.

### **A. Claim Rejections: 35 USC § 112**

**Claims 5,9, 19, 20, 22 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Neither of the claims provides an antecedent for "notches". In claim 5, "one notches" should be — one notch --. In claim 22, "one of the at least one notches" should be — said at least one notch —**

Without narrowing the claims, and in an effort to more particularly point out the claimed invention to move this case along, claims 5 and 22 have been amended.

### **B. Claim Rejections - 35 USC § 102**

**(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language,**

**Claims 13, 2/13, 9/13, 19/13, 20/13 and 21/13 are rejected under 35 U.S.C. 102(e) as being anticipated by US 20040144906A1 to Hill et al. Please refer to Fig 1 of Hill et al reproduced herein. Hill et al. discloses an apparatus capable of being attachable to a work station by a keyboard mechanism, comprising a base tray, an upper tray, both trays having a base channel a first, second, third and fourth legs, rods and locking means. Claims 14- 18 rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040144906A1 to Hill et al. All the limitations recited in claims 14-18 are well known in the seat adjustment art, and to provide any of them into Hill et al. is considered to be an obvious matter of engineering choice in order to achieve an expected result.**

Without acquiescing to the characterization of the prior art as stated in the Office Action, Assignee has cancelled claim 13, and has amended claims 2,10, 14, 19, 20 accordingly. It is noted that Assignee specifically reserves the right to pursue claim 13 in continuation application(s).

**C. Allowable Subject Matter**

Claims 10, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5, 9, 19, 20, 22 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 6, 7, 8 and 24-29 are allowed.

Claim 10 has been amended to include the limitations from claim 13, from which it depended. Appropriate amendments were made to adjust dependencies from 13 to 10. As such, it is believed all claims are in condition for allowance.

**F. Conclusion**

The Examiner is invited to contact the undersigned attorney at 713.787.1478 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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